IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 6037 of 2007(S)

OP.108/2007 of FAMILY COURT, NEDUMANGAD
.....

PETITIONER:

KRISHNANKUTTY NAIR,
S/O.GOVINDA PILLAI, "PAURNAMI", POOMELLIYOORKONAM,
PEROORKADA, KUDAPPANAKUNNU VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON
SRI.KIRAN SANKAR

RESPONDENTS:
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1. RAJESWARI AMMA, D/O SARADA AMMA,
KUMARAVILASOM, NEAR THEKKE VEEDU,
CHOOZHAMPALA, MANNAMTHALA, MUKKOLA P.O.
ITTYVILAKATHU MURI, KUDAPPANAKKUNNU VILLAGE.

2. RAJEEV KRISHNAN, S/O.KRISHNAN KUTTY NAIR
KUMARAVILASOM, NEAR THEKKE VEEDU,
CHOOZHAMPALA, MANNAMTHALA, MUKKOLA P.O.,
ITTYVILAKATHU MURI, KUDAPPANAKUNNU VILLAGE.

3. RAJESH KRISHNAN, S/O KRISHNAN KUTTY NAIR
KUMARAVILASOM, NEAR THEKKE VEEDU,
CHOOZHAMPALA, MANNAMTHALA, MUKKOLA P.O,
ITTYVILAKATHU MURI, KUDAPPANAKUNNU VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Petitioner's Exhibits:-

P1: Copy of the OP No.108/2007.

P2: Copy of the injunction application in IA.No.200/2007 in OP.No. 108/2007.

P3: Copy of the order dated 8-2-2007 in IA.No.200/2007 in OP.No. 108/2007.

Respondents' Exhibits:- Nil.

(true copy)

kvs/-

P.A. To Judge.

KURIAN JOSEPH,

&

T.R.RAMACHANDRAN NAIR, JJ.

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WP(C).No.6037 of 2007-S.

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Dated this the 5th day of June, 2007.

J U D G M E N T

Kurian Joseph, J.

The writ petitioner is the petitioner in OP.No.108 of 2007 on the file of the Family Court, Nedumangad. The petitioner sought for a permanent injunction restraining the defendant/respondents from forceful dispossession from the plaint schedule property and further restraining them from trespassing into the plaint schedule property or in any way obstructing the petitioner in the peaceful possession and enjoyment of the property. According to the petitioner, he has valid title and he is in absolute possession of the property and he has been enjoying the same for the past several years. The petitioner apprehends that in view of his old age and infirmity, the respondents would forcefully interfere with the possession of the property. The Family Court has passed a cryptic order, which reads as follows:

> **"Heard both sides. For the reasons stated in the accompanying affidavit the respondents are restrained from evicting the petitioner forcefully from the plaint schedule property until further orders. Call with O.P."**

2. Counsel for the petitioner submits that in view of the averments in the affidavit and the documents produced along with the interlocutory application, the Family Court should have granted the relief claimed in the petition and should have passed a speaking order. It is to be noted that the order of injunction now granted is for the reasons stated in the accompanying affidavit. If that be so, the Family Court ought to have granted the prayers in the petition. Therefore, Ext.P3 order passed by the Family Court in IA.No.200/2007 will stand modified and there will be an order of injunction as prayed for in the application, pending disposal of OP.No.108/2007.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-